

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 98-622

September 16, 1998

BELL ATLANTIC-MAINE
Request for Waiver of
Chapter 25 Requirement
(Section 3-D)

ORDER

WELCH, Chairman; NUGENT, Commissioner

I. SUMMARY

In this Order, we grant the request of Bell Atlantic - Maine for a waiver of subsection 3(D) of Chapter 25 of the Commission's rules.

II. BACKGROUND

On August 7, 1997, Bell Atlantic - Maine (BA-ME) filed a request for a waiver of the requirement of subsection 3(D) of Chapter 25 of the Commission's rules that local exchange carriers provide a coin-operated telephone in every area served by each central office. BA-ME is seeking this waiver specifically for the West Lebanon exchange in western York County. The fact that West Lebanon is currently unserved became known during the Commission's inquiry into competitive payphone service (Docket No. 98-356). The West Lebanon exchange has not had BA-ME provided payphone service for at least three years.

III. DISCUSSION

The West Lebanon exchange is wholly contained within the town of Lebanon. The town of Lebanon is served by five contiguous BA-ME exchanges. The West Lebanon exchange is the smallest of the five exchanges serving the town, and serves only a total of 367 residence and 13 business lines. There are BA-ME provided payphones in all of the exchanges, with the exception of West Lebanon. Further, there is a BA-ME payphone 300 feet outside the exchange of West Lebanon in Milton, New Hampshire. West Lebanon, Maine is a local call from the Milton, New Hampshire payphone.

IV. CONCLUSION

We agree with BA-ME's assessment that payphones available in contiguous exchanges adequately meet the needs of the town's residents. The Commission has not received a complaint regarding inadequate payphone service from a resident of the West Lebanon exchange. Therefore, we hereby exercise our authority outlined

in section 8 of Chapter 25 and grant BA-ME's waiver request as we believe that BA-ME has shown good cause and that a waiver is not inconsistent with the intent of this Chapter.

Therefore, we

O R D E R

1. That Bell Atlantic - Maine be granted a waiver of subsection 3(D) of Chapter 25 of the Commission's rules.

Dated at Augusta, Maine, this 16th day of September, 1998.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
Nugent

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of adjudicatory proceedings are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 6(N) of the Commission's Rules of Practice and Procedure (65-407 C.M.R.11) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which consideration is sought.

2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320 (1)-(4) and the Maine Rules of Civil Procedure, Rule 73 et seq.

3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320 (5).

Note:The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.